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**SF 2304** – DNA Profiling of Offenders (LSB 5306SV)

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Fiscal Note Version – New

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**Description**

**Senate File 2304** requires a person convicted of an aggravated misdemeanor to submit a DNA sample. Exceptions to the DNA sampling include, aggravated misdemeanor offenses under Iowa Code sections **321.561** (driving while barred habitual offender), **714.2**(3) (theft third degree), and **714.7** (operating a vehicle without consent). The Bill is effective July 1, 2013.

**Background**

1. The current DNA profiling program applies to persons with a deferred judgment or convictions for a felony; a sexually violent predator; a person found not guilty by reason of insanity for an offense that requires DNA profiling; a juvenile adjudicated delinquent for an offense that requires DNA profiling; a person required to register as a sex offender; or a person in custody, control, or jurisdiction of a supervising agency prior to June 14, 2005, with an offense that requires DNA profiling.
2. In FY 2011, there were 3,530 offenders convicted of aggravated misdemeanor offenses in prison and under Community-Based Corrections (CBC) supervision that have not provided a DNA sample.
3. In FY 2011, there were 2,429 offenders convicted of new aggravated misdemeanors admitted to prison or under CBC supervision.
4. In FY 2011, there were 3,742 offenders convicted of aggravated misdemeanor offenses that were not placed under CBC supervision but rather served time in jail, paid a fine and were released, or received probation.
5. The following is a list of the top five aggravated misdemeanor convictions for FY 2011, excluding the three offenses that do not require DNA sampling under the Bill:
  - Operating a Vehicle While Intoxicated (OWI) Second Offense – 2,770
  - Child Endangerment/No Injury – 687
  - Harassment First Degree – 415
  - Burglary Third Degree – Unoccupied Motor Vehicle – 380
  - Domestic Abuse Assault Second Offense – 379
6. In FY 2011, there were 423 aggravated misdemeanor cases where juveniles had charges adjudicated in juvenile court. (This includes consent decree, juvenile admission, guilty, and adjudication codes.)
7. DNA kits are provided by the Department of Public Safety (DPS) and are paid from the General Fund appropriation to the Division of Criminal Investigation (DCI). The total cost to the Department for one DNA kit is \$30. The DPS provides the DNA kits to the Department of Corrections and to county jails.

8. One entry-level criminalist, including salary and benefits, is \$71,000. One entry level clerk-specialist, including salary and benefits, is \$43,600.
9. The one-time cost for a user license for the Laboratory Information Management System is \$3,000.
10. For aggravated misdemeanor convictions where race is known, 26.0% are minority with 17.2% of those being African American.

### **Assumptions**

1. The majority of DNA samples from aggravated misdemeanants will be taken at the county jails.
2. The total number of samples taken in the first year will be approximately 10,100 and in the second year 6,600 samples will be taken.
3. The Department of Public Safety will need to add two additional criminalists and a part-time clerk specialist. The positions will be filled at the entry-level. The estimate for FY 2015 assumes a 4.5% step increase.

### **Fiscal Impact**

The following chart shows the fiscal impact to the Department of Public Safety. The Bill is effective July 1, 2013 (FY 2014).

<b>Cost Estimate for SF 2304</b>		
	<b>FY 2014</b>	<b>FY 2015</b>
Salaries and benefits for 2.0 Criminalists and 0.5 Clerk Specialist	\$ 164,000	\$171,000
Three Laboratory Information Management System (LIMS) licenses	9,000	0
Sampling and Analysis Supplies	303,000	198,000
	<u>\$ 476,000</u>	<u>\$369,000</u>

### **Sources**

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
 Department of Corrections  
 Department of Public Safety

/s/ Holly M. Lyons

March 5, 2012

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The fiscal note for this bill was prepared pursuant to **Joint Rule 17** and the correctional and minority impact statements were prepared pursuant to **Iowa Code Section 2.56**. Data used in developing this fiscal note, including correctional and minority impact information, is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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